

Hon. Ricardo S. Martinez

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

Damon Charles Williams, ) Case No.: 2:18-cv-00048 RSM  
Counterclaimant, )  
vs. ) RESPONSE TO ORDER TO SHOW  
PRK FUNDING SERVICES, INC. et ) CAUSE  
al, )  
Counterdefendant )

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COUNTERCLAIMANT'S RESPONSE TO THE MAGISTRATES ADMINISTRATIVE  
ORDER TO SHOW CAUSE REGARDING SERVICE TO WIT:

1. The Counterdefendant State of Washington Department of Revenue did receive untimely service of summons according to the affidavit under Dkt. #110 for good cause.
2. Within the time limit a request for waiver of summons was delivered to and executed by Deputy Attorney General Richard A. Fraser III ("Deputy Fraser"). See Exhibit A.
3. Statements made by Deputy Fraser during several meet and confer communications between the parties was misunderstood by Counterclaimant, to be in the nature of an entry of appearance

RESPONSE TO ORDER TO SHOW CAUSE - 1

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1 for State of Washington Department of Revenue by the Deputy  
2 Fraser.

3  
4 4. Counterclaimant was recently informed (July 13, 2018) by  
5 Deputy Fraser that he does not represent the Washington State  
6 Department of Revenue, of which he stated in pertinent part:

7 I do not presently represent the Washington  
8 State Department of Revenue in this matter, and I  
9 cannot waive service of summons for an agency  
10 that I do not represent.

11 See Exhibit B at 2.

12 5. Therefore, It appears that the executed waiver was merely for  
13 waiver of process associated with Counterdefendant Donald R.  
14 Capp and Ricci Frisk despite that fact that said waiver only  
15 named one of the Counterdefendants.

16 6. This action should not be dismissed against Counterdefendant  
17 State of Washington Department of Revenue for the reasons  
18 stated herein.

19 Dated: July 19, 2018

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Damon Charles Williams